

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 ELBERT LEE HASKINS,

12 Plaintiff,

13 v.

14 J. CASTELLON, et al.,

15 Defendants.  
16

Case No. 2:18-08223 DSF (ADS)

ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE AND DISMISSING  
CASE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the  
18 records and files herein, including the Report and Recommendation (“R&R”) dated  
19 December 17, 2020 [Dkt. No. 55], Plaintiff’s Objections to the R&R (“Objections”) [Dkt.  
20 No. 58], and Defendants’ Response to Plaintiff’s Objections [Dkt. No. 59].

21 Nothing in the Objections refutes the Magistrate Judge’s finding that all claims in  
22 the current case must be dismissed for a failure to exhaust administrative remedies  
23 pursuant to the Prison Litigation Reform Act. See [Dkt. No. 55, p. 14]. Plaintiff does not  
24 identify any portion of the R&R that purportedly misapplied the law or failed to consider


1 the significance of Plaintiff's facts, nor does Plaintiff object to the finding that he failed  
2 to exhaust administrative remedies. Plaintiff's objections, consisting of wholly new  
3 arguments and repeated conclusory allegations with no factual or evidentiary support  
4 do not refute the finding that there is no genuine issue of material fact whether Plaintiff  
5 exhausted his administrative remedies.

6 As such, after thorough analysis and consideration of the Complaint, the Motion  
7 for Summary Judgment, the Report and Recommendation and its related documents,  
8 and having performed a de novo review of those portions to which objections were  
9 made, the Court concurs with and accepts the findings, conclusions and  
10 recommendations of the Magistrate Judge.

11 Accordingly, IT IS HEREBY ORDERED:

- 12 1. The United States Magistrate Judge's Report and Recommendation,  
13 [Dkt. No. 55], is accepted;
- 14 2. Defendants' Motion for Summary Judgment [Dkt. No. 40] is granted;
- 15 3. Plaintiff's Request to Stay [Dkt. No. 46] is denied;
- 16 4. The case is dismissed without prejudice; and
- 17 5. Judgment is to be entered accordingly.

18  
19 DATED: February 1, 2021

  
THE HONORABLE DALE S. FISCHER  
United States District Judge